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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS Arizona Corporation Commission

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DOUG LITTLE – Chairman

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AZ CORP COMMISSION
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IN THE MATTER OF THE APPLICATION OF
LIBERTY UTILITIES (BLACK MOUNTAIN
SEWER) CORP. FOR APPROVAL OF AN
EXTENSION OF A CERTIFICATE OF
CONVENIENCE AND NECESSITY TO PROVIDE
WASTEWATER UTILITY SERVICE IN
MARICOPA COUNTY, ARIZONA.

DOCKET NO. SW-02361A-16-0067

PROCEDURAL ORDER
(Reschedules Hearing)

BY THE COMMISSION:

On February 24, 2016, Liberty Utilities (Black Mountain Sewer) Corp. ("Liberty Black Mountain") filed with the Arizona Corporation Commission ("Commission") an application requesting that the Commission approve an extension of its current Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility service to include the Eastwood development within the Town of Carefree in Maricopa County, Arizona.

On March 23, 2016, the Commission's Utility Division ("Staff") filed a Sufficiency Letter stating that Liberty Black Mountain's application had met the sufficiency requirements outlined in the Arizona Administrative Code ("A.A.C.").

On March 25, 2016, by Procedural Order, a hearing was scheduled to commence on June 13, 2016, and other procedural deadlines were established.

On March 29, 2016, Liberty Black Mountain filed a Request to Modify Procedural Order ("Request") requesting that the deadline for responses to the Staff Report be moved to May 26, 2016, and that the hearing be held on a date before June 7, 2016. The Request states that the schedule changes are consistent with the Town of Carefree's desire to have the matter resolved quickly.

Liberty Black Mountain's request for modifications to the procedural schedule set forth in the March 25, 2016, Procedural Order is reasonable and should be granted. To accommodate the Request, and to ensure sufficient time for public notice, the deadline for publication should also be changed. All

1 other procedural deadlines set forth in the March 25, 2016, Procedural Order should remain.

2 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall
3 commence on **June 2, 2016, at 10:00 a.m.**, or as soon thereafter as is practicable, at the Commission's
4 offices, 1200 West Washington, Hearing Room No. 1, Phoenix, Arizona 85007.

5 IT IS FURTHER ORDERED that Liberty Black Mountain shall provide public notice of the
6 hearing in this matter, in the following form and style with the heading in no less than 12-point bold
7 type and the body in no less than 10-point regular type:

8 **PUBLIC NOTICE OF HEARING ON THE APPLICATION OF LIBERTY**
9 **UTILITIES (BLACK MOUNTAIN SEWER) CORP. FOR APPROVAL OF AN**
10 **EXTENSION OF A CERTIFICATE OF CONVENIENCE AND NECESSITY**
11 **TO PROVIDE WASTEWATER UTILITY SERVICE IN**
12 **MARICOPA COUNTY, ARIZONA.**
13 **DOCKET NO. SW-02361A-16-0067**

14 **Summary**

15 On February 24, 2016, Liberty Utilities (Black Mountain Sewer) Corp. ("Liberty Black
16 Mountain") filed with the Arizona Corporation Commission ("Commission") an
17 application requesting that the Commission approve an extension of its current
18 Certificate of Convenience and Necessity ("CC&N") to provide wastewater utility
19 service to include the Eastwood development in Maricopa County, Arizona.

20 The Commission's Utilities Division ("Staff") has not yet made a recommendation
21 regarding the application. **The Commission is not bound by the proposals made by**
22 **Liberty Black Mountain, Staff, or any intervenors.** The Commission will issue a
23 Decision regarding the application following consideration of testimony and evidence
24 presented by all parties at an evidentiary hearing.

25 **How You Can View or Obtain a Copy of the Application**

26 Copies of the application and proposed rates are available from Liberty Black Mountain
27 [COMPANY INSERT HOW AND WHERE AVAILABLE]; at the Commission's
28 Docket Control Center at 1200 West Washington, Phoenix, Arizona, for public
inspection during regular business hours; and on the Commission's website
(www.azcc.gov) using the e-Docket function.

Arizona Corporation Commission Public Hearing Information

The Commission will hold a hearing on this matter beginning **June 2, 2016, at 10:00 a.m.** at the Commission's offices, Hearing Room No. 1, 1200 West Washington, Phoenix, Arizona 85007. Public comments will be taken on the first day of hearing.

Written public comments may be submitted by mailing a letter referencing Docket No. **SW-02361A-16-0067** to Arizona Corporation Commission, Consumer Services Section, 1200 West Washington, Phoenix, AZ 85007, or by submitting comments on the Commission's website (www.azcc.gov) using the "Submit a Public Comment for a Utility" function. If you require assistance, you may contact the Consumer Services Section at 1-800-222-7000.

About Intervention

The law provides for an open public hearing at which, under appropriate circumstances, interested persons may intervene. An interested person may be granted intervention if the outcome of the case will directly and substantially impact the person, and the person's intervention will not unduly broaden the issues in the case. Intervention, among other things, entitles a party to present sworn evidence at hearing and to cross-examine other parties' witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and providing public comment on the application or from filing written comments in the record of the case.

To request intervention, you must file an **original and 13 hard copies** of a written request to intervene with Docket Control, 1200 West Washington, Phoenix, AZ 85007, **no later than May 23, 2016**. You also **must** serve a copy of the request to intervene on each party of record, on the same day that you file the request to intervene with the Commission. Information about intervention and sample intervention requests are available on the Commission's website (www.azcc.gov) using the "Intervention in Utility Cases" link.

Your request to intervene must contain the following:

1. Your name, address, and telephone number, and the name, address, and telephone number of any person upon whom service of documents is to be made, if not yourself;
2. A reference to **Docket No. SW-02361A-16-0067**;
3. A short statement explaining:
 - a. Your interest in the proceeding (e.g., an owner of property in the proposed extension area, etc.),
 - b. How you will be directly and substantially affected by the outcome of the case, and
 - c. Why your intervention will not unduly broaden the issues in the case;
4. A statement certifying that you have served a copy of the request to intervene on the utility or its attorney and all other parties of record in the case; and
5. If you are not represented by an attorney who is an active member of the Arizona State Bar, and you are not representing yourself as an individual, sufficient information and any appropriate documentation to demonstrate compliance with Arizona Supreme Court Rules 31, 38, 39, and 42, as applicable.

The granting of motions to intervene shall be governed by A.A.C. R14-3-105, except that all motions to intervene must be filed on or before May 23, 2016. If representation by counsel is required by Arizona Supreme Court Rule 31, intervention will be conditioned upon the intervenor obtaining counsel to represent the intervenor.

ADA/Equal Access Information

The Commission does not discriminate on the basis of disability in admission to its public meetings. Persons with a disability may request a reasonable accommodation such as a sign language interpreter, as well as request this document in an alternative format, by contacting the ADA Coordinator, Shaylin Bernal, E-mail SABernal@azcc.gov, voice phone number 602-542-3931. Requests should be made as early as possible to allow time to arrange the accommodation.

IT IS FURTHER ORDERED that Liberty Black Mountain shall **mail** to each property owner in the proposed extension area a copy of the above notice and shall cause the above notice to be

1 published at least once in a newspaper of general circulation in the proposed extension area, with
2 **publication and mailing** to be completed no later than **May 2, 2016**.

3 IT IS FURTHER ORDERED that Liberty Black Mountain shall **file certification of mailing**
4 **and publication** as soon as possible after mailing and publication have been completed, but not later
5 than **May 31, 2016**.

6 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing/publication,
7 notwithstanding the failure of an individual property owner to read or receive the notice.

8 IT IS FURTHER ORDERED that the **Staff Report** and associated exhibits to be presented at
9 hearing shall be reduced to writing and filed on or before **May 16, 2016**.

10 IT IS FURTHER ORDERED that any objections to the Staff Report shall be reduced to writing
11 and filed on or before **May 26, 2016**.

12 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
13 except that all motions to intervene must be filed on or before **May 23, 2016**.

14 IT IS FURTHER ORDERED that any objections to any Motions to Intervene shall be filed on
15 or before **June 2, 2016**.

16 IT IS FURTHER ORDERED that **all filings shall be made by 4:00 p.m.** on the date the filing
17 is due, unless otherwise indicated.

18 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized
19 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
20 in this matter is final and non-appealable.

21 IT IS FURTHER ORDERED that any motion filed in this matter, other than a motion to
22 intervene, that is not ruled upon by the Commission within 20 calendar days of the filing date of the
23 motion shall be deemed denied.

24 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
25 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

26 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
27 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
28 Supreme Court Rule 42). Representation before the Commission includes the obligation to appear at

1 all hearings, procedural conferences, and Open Meetings for which the matter is scheduled for
2 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
3 Law Judge or Commission.

4 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
5 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
6 hearing.

7 DATED this 12th day of April, 2016.

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11 SASHA PATERNOSTER
ADMINISTRATIVE LAW JUDGE

12 Copies of the foregoing mailed/delivered
this 12th day of April, 2016 to:

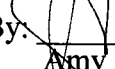
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26 Videoconferencing
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27 By: 
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